

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ADAM COGHILL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 3:21-cv-00119
	)	
CLOUDZ VAPOR LLC,	)	
dba CLOUDZ VAPOR,	)	
	)	
CLOUDZ VAPOR WHOLESALE, LLC,	)	
dba CLOUDZ VAPOR,	)	
	)	
CLOUDZ VAPOR MIDLOTHIAN, LLC,	)	
dba CLOUDZ VAPOR,	)	
	)	
CLOUDZ VAPOR SHORT PUMP, LLC,	)	
dba CLOUDZ VAPOR, and	)	
	)	
TEJAN BHATT,	)	
	)	
Defendants.	)	

**DEFENDANT TEJAN BHATT'S 12(b)(6) MOTION TO DISMISS**

COMES NOW, defendant, Tejan Bhatt ("Bhatt"), by counsel, pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby files his Motion to Dismiss the Complaint filed against him by the plaintiff, Adam Coghill ("Coghill" or "Plaintiff") pursuant to Fed. R. Civ. P. 12(b)(6).

Plaintiff's Complaint fails as a matter of law because Bhatt, while being identified in the caption of the Complaint as a defendant, is not included in the definition of "Defendants" for the purpose of Plaintiff's Complaint, and thus there are no allegations to support any claim against him in his personal capacity. Further, even if the Complaint were amended to include Bhatt in the definition of "Defendant," the Complaint against him in his personal capacity still fails as a matter of law as to Bhatt because Bhatt's only connection to the litigation is by virtue of his status as the

sole member of co-defendants Cloudz Vapor, LLC, Cloudz Vapor Wholesale, LLC, Cloudz Vapor Midlothian, LLC, Cloudz Vapor Short Pump, LLC (collectively, the “LLCs”). Plaintiff has not alleged and cannot in good faith allege that Bhatt, in his personal capacity, owed him a common law duty to prevent the alleged injuries. Accordingly, the Complaint against Bhatt should be dismissed in its entirety as a matter of law. The justification for dismissal of the Complaint as to Bhatt is more fully set forth in his memorandum of law in support of the Motion, filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE the defendant, Tejan Bhatt, respectfully requests that the Court dismiss Plaintiff’s complaint against him, with prejudice, and award it the costs incurred in defense of this action and any additional relief the Court deems just and appropriate.

TEJAN BHATT

/s/ *Mark C. Nanavati*

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Mark C. Nanavati, Esq. (VSB #38709)  
Benjamin F. Dill, Esq. (VSB #93000)  
SINNOTT, NUCKOLS & LOGAN, P.C.  
13811 Village Mill Drive  
Midlothian, Virginia 23114  
(804) 893-3866 (Nanavati)  
(804) 893-3864 (Jones)  
(804) 378-2610 (Facsimile)  
[mnnavati@snllaw.com](mailto:mnnavati@snllaw.com)  
[bdill@snllaw.com](mailto:bdill@snllaw.com)  
*Counsel for Tejan Bhatt*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 1<sup>st</sup> day of March, 2021, a true and accurate copy of the foregoing motion to dismiss was filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ *Mark C. Nanavati*

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(804) 378-2610 (Facsimile)

[mnnavati@snllaw.com](mailto:mnnavati@snllaw.com)

[bdill@snllaw.com](mailto:bdill@snllaw.com)

*Counsel for Tejan Bhatt*